

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LEROY AUSTIN HANCOCK,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-22-267-F
)	
GRADY COUNTY JAIL, et al.,)	
)	
Defendants.)	
)	

ORDER

United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation on May 20, 2022, recommending the court dismiss this case without prejudice under Rule 41(b), Fed. R. Civ. P., based on plaintiff's failure to follow the court's orders and rules.¹ Magistrate Judge Mitchell advised plaintiff of the right to file an objection to the Report and Recommendation on or before June 10, 2022, and specifically advised plaintiff that failure to make a timely objection to the Report and Recommendation would waive the right to appellate review of both factual and legal questions therein contained.

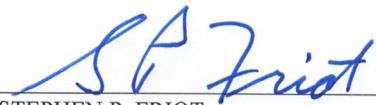
To date, no objection has been filed, and no request for an extension of time to file an objection has been filed. The record reflects the Report and Recommendation was returned as undeliverable. *See*, doc. no. 9. However, under Rule 5.4 of the court's Local Civil Rules, "[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court." LCvR 5.4. The

¹ Plaintiff failed to timely cure the deficiencies in his *in forma pauperis* application or pay the full filing fee as ordered.

Report and Recommendation was mailed to plaintiff at his last known address. Consequently, the Report and Recommendation is deemed delivered to plaintiff. Because no objection has been filed within the time prescribed by Magistrate Judge Mitchell, the court accepts, adopts, and affirms the Report and Recommendation.

Accordingly, the Report and Recommendation (doc. no. 8) issued by United States Magistrate Judge Suzanne Mitchell on May 20, 2022 is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. The above-entitled action is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b), Fed. R. Civ. P. A separate judgment shall issue.

IT IS SO ORDERED this 14th day of June, 2022.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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